

Glenn R. Callahan  
395 Del Monte Center #270  
Monterey, CA 93940  
(800) 931-1032

Defendant

**FILED**

2008 AUG 26 A 10:28

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PEBBLE BEACH COMPANY, a California  
General Partnership

Plaintiff,

vs.

GLENN R. CALLAHAN, an Individual,  
Defendant,

Case No. C 08-02920 HRL

**REQUEST OF MOTION  
AND MOTION TO  
DISMISS**

Date: September 16, 2008  
Time: 10:00 a.m.  
Courtroom: 2 – the Hon.  
Howard R. Lloyd

**TO PLAINTIFF PEBBLE BEACH COMPANY**

NOTICE IS HERBY GIVEN that on Tuesday, September 16, 2008 at 10:00 a.m. or soon thereafter as the matter may be heard in Courtroom 2 of the above-entitled Court, located at 280 South First Street, Fifth Floor, San Jose, CA 95113, defendant, Glenn R. Callahan (“Defendant”) will move the Court for an Order to Dismiss.

The Motion will be made on the grounds that the Pebble Beach Company (“Plaintiff”) was aware of the actions of Glenn R. Callahan (“Defendant”) since on, or about the date of May 5, 2005 and did approve of

the actions of Glenn R. Callahan ("Defendant") and did not disapprove of the actions of Glenn R. Callahan ("Defendant") as to receiving approval from the UNITED STATES PATENT AND TRADEMARK OFFICE for the use of the names: PEBBLE BEACH BANCORP, PEBBLE BEACH FINANCIAL, PEBBLE BEACH HOMES and PEBBLE BEACH FESTIVALS.

Defendant, Glenn R. Callahan, would not have spent the time and funds to obtain the above stated service marks without the approval of the Plaintiff, Pebble Beach Company and requests that this Court uphold the UNITED STATES PATENT AND TRADEMARK OFFICE decisions.

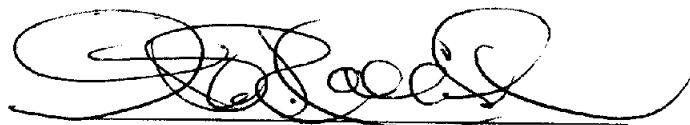
Defendant, Glenn R. Callahan, began his knowledge and history with Pebble Beach and the former owners of Del Monte Properties Company, then the Lone Cypress Company, then the Pebble Beach Company, on or about, the year 1978 with the Del Monte Properties Company.

Defendant, Glenn R. Callahan, does not wish to waste the resources of this Court, and requests understanding from this Court as to rules applicable to this proceeding. Due to economic reasons, Defendant, Glenn R. Callahan, as an Individual must proceed with this proceeding and will cooperate with all parties to resolve this proceeding.

This Motion will be based upon the Statement of Defendant, Glenn R. Callahan on file herein, and on such other further oral and documentary evidence as may be presented at or by the hearing on the Motion.

Dated: August 22, 2008

GLENN R. CALLAHAN

A handwritten signature in black ink, appearing to read 'G. R. Callahan', with a long horizontal flourish extending to the right.

Defendant

**STATEMENT OF GLENN R. CALLAHAN**

Dated: August 22, 2008

On, or about, May 5<sup>th</sup>, 2005 after the May Day school event at Carmel River Elementary School, I spoke directly to Clint Eastwood in regard to the recent idea and local business group who was interested in the formation of a local independent bank on the Monterey Peninsula with potential branches located near and within Pebble Beach. I told Mr. Eastwood that the name was Pebble Beach Bank owned and operated by Pebble Beach Bancorp and that I would like him (Mr. Eastwood) to be part of the bank or to have one or more of his business associates and board members to be on our bank board and to also be part of the Pebble Beach Film Festival and the Pebble Beach Music Festival as part of Pebble Beach Festivals that could independently promote the Pebble Beach Bank/Bancorp in addition to other independent businesses such as Pebble Beach Financial for investments and Pebble Beach Homes for other types of home loans and investments. Mr. Eastwood told me that he was interested in pursuing my ideas and business ventures. During my talk with Mr. Eastwood, Mrs. Eastwood questioned Mr. Eastwood as to if he was really interested in pursuing my ideas and business ventures and he said that he was definitely interested in my ideas. Mr. Eastwood asked me to talk to Mark Stilwell (who was also at the May Day school event) and I said that I would talk to Mr. Stilwell. Mr. Eastwood also asked me to communicate to him through Mr. Stilwell and I said that I would do that.

Mr. Eastwood has a daughter (Morgan) at Carmel River School and Mr. Stilwell has children and his son (Mark) was in class with my daughter Lindsay.

Therefore, we all knew each other through the school and also through the local business community.

During the past three years, I have communicated with Mark Stilwell as to my progress with Pebble Beach Bancorp, Pebble Beach Festivals, Pebble Beach Homes and Pebble Beach Financial.

During the past three years, I have communicated with the local business contacts as well as contacts in Park City, Utah and the Sundance Film Festival in regard not only Pebble Beach Festivals but also Pebble Beach Homes, Pebble Beach Financial and the Pebble Beach Bancorp. I have also communicated with other business contacts in other states interested in the

Pebble Beach Bancorp as well as the Pebble Beach Festivals, Pebble Beach Homes and Pebble Beach Financial.

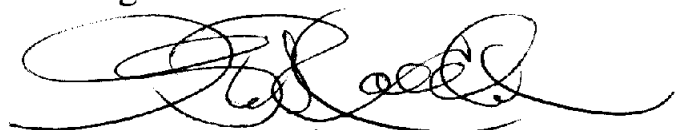
Mark Stilwell, at a later date, informed me that the Pebble Beach Company board was not interested in pursuing the Pebble Beach Bancorp due to the issues with application for expansion of the Pebble Beach Golf Links and additional building lots near and around the expanded golf links. Mr. Stilwell said that Pebble Beach Company, at this time, would not like the visibility with a Bancorp while pursuing the expansion of the golf links. Mr. Stilwell suggested that if after the expansion or if the board decides to sell the company that, at a later date, Pebble Beach Company may want to pursue the Pebble Beach Bancorp. Mr. Stilwell asked me if I would pursue another name, just in this case, until such time that the expansion was approved or not pursued by the Pebble Beach Company. I told Mr. Stilwell that I would be happy to present this idea to my contacts as a temporary matter and use another name such as Sequoia Pacific Bank/Bankcorp or 1<sup>st</sup> Capital Bank until such time that the Pebble Beach Company would like to become involved as was the former owner of the company. Mr. Stilwell did not and has not requested the non use of any other name other than Pebble Beach Bancorp. I was open and approved to pursue Pebble Beach Festivals, Pebble Beach Homes and Pebble Beach Financial.

In the later part of 2007, Mark Stilwell contacted me and said that Pebble Beach Company would like to purchase the name Pebble Beach Bancorp as well as the other names, if I was willing to sell the names. I said that I was and that I would like to recoup the funds spent during the past few years that amounted to almost two hundred thousand dollars. Mr. Stilwell encouraged me to submit figures for the names that would cover those expenses.

I spoke to my attorney at a later time and my attorney suggested something closer to one hundred thousand dollars to be fair with the Pebble Beach Company and to stay on good terms with the company and my friends in the company. I agreed. Pebble Beach Company refused. Pebble Beach Company threatened a law suit. Pebble Beach Company filed a law suit.

My attorney suggested that I respond and allow the judge to determine the ownership of the names due to the fact that Pebble Beach Company did not object to these names being used during the past three years by myself,  
Glenn R. Callahan.

Signed:

A handwritten signature in black ink, appearing to read "Glenn R. Callahan", written over a horizontal line.

**PROOF OF SERVICE**

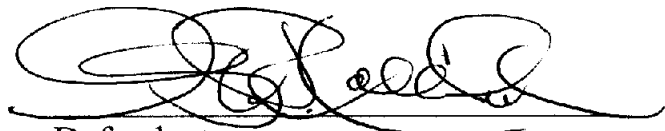
I served the foregoing documents described as **REQUEST OF MOTION AND MOTION TO DISMISS**; on all interested parties in this action as follows:

Neil L. Shapiro  
2100 Garden Road, Suite C  
Monterey, CA 93940

**BY MAIL.**

Dated: August 22, 2008

GLENN R. CALLAHAN



Defendant